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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,494	09/05/2003	Dirk Balfanz	PARC-DA2124-US-CIP1 8357	
35699 PVF PARC	7590 12/20/200	EXAMINER		
c/o PARK, VA	UGHAN & FLEMING	PATEL, NIRAV B		
2820 FIFTH ST DAVIS, CA 95		ART UNIT	PAPER NUMBER	
			2135	
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			12/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

. Office Action Summary		Application	No.	Applicant(s)				
		10/656,494	•	BALFANZ ET AL.				
		Examiner		Art Unit				
		Nirav Patel		2135				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SH WHIC - Exter after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DATE of time may be available under the provisions of 37 CFR 1.11 SIX (6) MONTHS from the mailing date of this communication. It period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing end patent term adjustment. See 37 CFR 1.704(b).	ATE OF THI 36(a). In no even will apply and will e, cause the applic	S COMMUNICATION t, however, may a reply be time expire SIX (6) MONTHS from ation to become ABANDONE	I. tely filed the mailing date of this c (35 U.S.C. § 133).				
Status								
2a)⊠	Responsive to communication(s) filed on <a href="mailto:15 October 2007 (Amendment)">15 October 2007 (Amendment)</a> .  This action is <b>FINAL</b> .  2b) This action is non-final.  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	ion of Claims							
5)□ 6)⊠ 7)□	Claim(s) 1-25 is/are pending in the application.  4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed.  Claim(s) 1-25 is/are rejected.  Claim(s) is/are objected to.  Claim(s) is/are subject to restriction and/or claim(s) are subject to restriction and/or claim(s) are subject to restriction.	wn from con						
Applicat	ion Papers							
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) acc Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b)[ drawing(s) be tion is require	e held in abeyance. See d if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 C				
Priority (	under 35 U.S.C. § 119							
12) a)	Acknowledgment is made of a claim for foreign All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea See the attached detailed Office action for a list	ts have beer ts have beer prity docume ou (PCT Rule	n received. n received in Applicati nts have been receive nt7.2(a)).	ion No ed in this Nationa	l Stage			
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U.S. Patent and Trademark Office PTOL-326 (Rev. 08-06)

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## **DETAILED ACTION**

1. Applicant's amendment filed on Oct. 15, 2007 has been entered. Claims 1-25 are pending. Claims 1, 13 and 16 are amended by the applicant.

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 2. Claims 1, 2, 7, 8, 13, 16, 17 and 21 are rejected under 35 USC 103 (a) for being unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 Publication Date 08/02/2000, submitted with IDS) and in view of Mizikovsky (US Patent No. 5,748,734).

## As per claim 1, Hermann discloses:

establishing communication between a provisioning device and a network device over a preferred channel [Fig. 1, 2, paragraph 0019]; exchanging key commitment information over said preferred channel between said provisioning device and said network device to pre-authenticate said network device [Fig. 1, 2 paragraph 0020, 0021, 0022]; and providing provisioning information to said network device, whereby said network device

can automatically configure itself for communication over a network responsive to provisioning information [Fig. 1, 2, paragraph 0020, 0021, 0022].

Hermann teaches providing various information to the network device over multiple channels as shown in Figs. 1, 2 [e.g. channel 3, 4 or 8/9, paragraph 0047-0050].

Mizikovsky teaches the providing provisional information to said network device, wherein the provisioning information comprises: a first set of provisioning information; and other provisioning information; wherein the first set of provisioning information is provided over the referred channel, and the other provisioning information is provided using a second channel [Fig. 5, col. 7 lines 37-51].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Mizikovsky with Hermann, since one would have been motivated to enhance a privacy of the cryptographic keys [Mizikovsky, col. 8 lines 15-19].

As per claim 2, the rejection of claim 1 is incorporated and Hermann discloses: said provisioning information comprises network configuration information [paragraph 0021 lines 38-40].

As per claim 7, the rejection of claim 1 is incorporated and Hermann discloses: said preferred channel is a location-limited channel [Fig. 1, 2, paragraph 0026, 0035].

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As per claim 8, the rejection of claim 1 is incorporated and Hermann discloses:

said preferred channel has a demonstrative identification property and an authenticity

property [paragraph 0026, 0027].

As per claim 13, it encompasses limitations that are similar to those of claim 1. Thus, it

is rejected with the same rationale applied against claim 1 above.

As per claim 16, it encompasses limitations that are similar to those of claim 1. Thus, it

is rejected with the same rationale applied against claim 1 above.

As per claim 17, the rejection of claim 16 is incorporated and it encompasses limitations

that are similar to those of claim 2. Thus, it is rejected with the same rationale applied

against claim 2 above.

As per claim 21, the rejection of claim 16 is incorporated and it encompasses limitations

that are similar to those of claim 7. Thus, it is rejected with the same rationale applied

against claim 7 above.

3. Claims 3-6, 12, 14, 18-20 and 25 are rejected under 35 USC 103 (a) for being

unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 -

Publication Date 08/02/2000, submitted with IDS) in view of Mizikovsky (US Patent No.

5,748,734) and in view of Harrisville-Wolff et al (US Pub. No. 2004/0030887).

As per claim 3, the rejection of claim 1 is incorporated and Hermann teaches receiving a key from the network device [Fig. 1, 2, paragraph 0021].

Harrisville-Wolff teaches: receiving a public key from said network device [paragraph 0019 lines 3-5]; verifying said public key with said key commitment information [paragraph 0019 lines 5-12]; and automatically provisioning said network device with a credential authorized by a credential issuing authority [paragraph 0018 lines 14-20].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Harrisville-Wolff with Hermann and Mizikovsky, since one would have been motivated to provide secure transactions and communications between any two devices [Harrisville-Wolff, paragraph 0010 lines 1-5].

As per claim 4, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: establishing proof that said network device is in possession of a private key corresponding to said public key [paragraph 0012 lines 17-21].

As per claim 5, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: said credential issuing authority is a certification authority and said credential is a public key certificate [Fig. 2, paragraph 0018 lines 14-20].

As per claim 6, the rejection of claim 3 is incorporated and Harrisville-Wolff teaches: the step of automatically provisioning is responsive to authorization from a registration agent paragraph 0023 lines 10-13].

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As per claim 12, the rejection of claim 1 is incorporated and Harrisville-Wolff teaches:

said provisioning device is in communication with a credential issuing authority [Fig. 1,

2].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations

that are similar to those of claim 3. Thus, it is rejected with the same rationale applied

against claim 3 above.

As per claim 18, the rejection of claim 16 is incorporated and it encompasses limitations

that are similar to those of claim 3. Thus, it is rejected with the same rationale applied

against claim 3 above.

As per claim 19, the rejection of claim 18 is incorporated and Hermann teaches:

a key exchange mechanism configured to be able to perform a key exchange protocol

with said network device paragraph 0014 lines 41-43].

As per claim 20, the rejection of claim 18 is incorporated and it encompasses limitations

that are similar to those of claim 5. Thus, it is rejected with the same rationale applied

against claim 5 above.

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As per claim 25, the rejection of claim 16 is incorporated and it encompasses limitations

that are similar to those of claim 12. Thus, it is rejected with the same rationale applied

against claim 12 above.

4. Claims 9, 15 and 22 are rejected under 35 USC 103 (a) for being unpatentable

over Hermann, Reto (European Patent Publication No. EP1024626A1 - Publication

Date 08/02/2000, submitted with IDS) in view of Mizikovsky (US Patent No. 5,748,734)

and in view of Thompson et al (US Pub. No. 2002/0022483).

As per claim 9, the rejection of claim 1 is incorporated and Harrisville-Wolff teaches the

network is a wireless network [paragraph 0021].

Thompson teaches the network is a wireless network, and wherein said provisioning

device is a wireless access point [Fig. 1].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Thompson with Hermann and Mizikovsky, since

one would have been motivated to provide secure communication session in the

wireless communication [Hermann, paragraph 0019 line 5].

As per claim 15, the rejection of claim 13 is incorporated and it encompasses limitations

that are similar to those of claim 9. Thus, it is rejected with the same rationale applied

against claim 9 above.

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As per claim 22, the rejection of claim 16 is incorporated and it encompasses limitations

that are similar to those of claim 9. Thus, it is rejected with the same rationale applied

against claim 9 above.

5. Claims 10, 11, 23 and 24 are rejected under 35 USC 103 (a) for being

unpatentable over Hermann, Reto (European Patent Publication No. EP1024626A1 -

Publication Date 08/02/2000, submitted with IDS) in view of Mizikovsky (US Patent No.

5,748,734) and in view of Thompson et al (US Pub. No. 2002/0022483) and in view of

Harrisville-Wolff et al (US Pub. No. 2004/0030887).

As per claim 10, the rejection of claim 9 is incorporated and Thompson teaches:

receiving a wireless communication [Fig. 1]; determining whether said wireless

communication originated from said network device or from a second network device

that was not provisioned by said wireless access point; and routing said wireless

communication responsive to the step of determining [Fig. 4 step 410, 412].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time

the invention was made to combine Harrisville-Wolff with Hermann, Mizikovsky and

Thompson, since one would have been motivated to provide secure transactions and

communications between any two devices [Harrisville-Wolff, paragraph 0010 lines 1-5].

As per claim 11, the rejection of claim 10 is incorporated and Thompson teaches:

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choosing a selected channel from a secure channel and an insecure channel

responsive to the step of determining; and sending said wireless communication

through said selected channel [Fig. 4, paragraph 0116, 0118-0121].

As per claim 23, the rejection of claim 22 is incorporated and it encompasses limitations

that are similar to those of claim 10. Thus, it is rejected with the same rationale applied

against claim 10 above.

As per claim 24, the rejection of claim 23 is incorporated and it encompasses limitations

that are similar to those of claim 11. Thus, it is rejected with the same rationale applied

against claim 11 above.

**Response to Amendment** 

6. Applicant has amended claims 1, 13 and 16 which necessitated new ground of

rejection. See rejection above.

Amendment to claim 1 overcomes the previous rejection under 35 USC 101 and the

rejection is hereby withdrawn.

Terminal disclaimer has been filed on Oct. 15, 2007 and therefore, the provisional

double patenting rejection is withdrawn.

## Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King (US 6317831) – Method and apparatus for establishing a secure connection over a on-way data path

Willey (US 2003/0065918) - Device authentication in a PKI

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-

272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

**NBP** 

12/12/07

KIM VU

ORY PATENT EXAMINE

TALOGY CENTER 2100